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SENATE BILL 861

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Steve Komadina

AN ACT

**RELATING TO ANIMALS; REQUIRING DEOXYRIBONUCLEIC ACID TESTING
WHEN WILD HORSES ARE CAPTURED; REQUIRING CONQUISTADOR HORSES TO
BE RELOCATED TO HORSE PRESERVES; PROHIBITING THE SLAUGHTER OF
WILD HORSES; ALLOWING EUTHANASIA; ALLOWING FOR ADOPTION;
PROVIDING FOR THE CONTROL OF WILD HORSE POPULATIONS BY MEANS OF
BIRTH CONTROL.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. WILD HORSES--DNA TESTING-- CONQUISTADOR
HORSES-- SLAUGHTERING PROHIBITED-- BIRTH CONTROL. --**

A. As used in this section:

**(1) "conquistador horse" means a wild horse
that is descended from horses of the Spanish conquistadores;**

**(2) "public land" does not include federal
land controlled by the bureau of land management or the forest**

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1 service;

2 (3) "range" means the amount of land necessary
3 to sustain a herd of wild horses, which does not exceed its
4 known territorial limits; and

5 (4) "wild horse" means an unbranded and
6 unclaimed horse on public land.

7 B. A wild horse that is captured shall have its
8 deoxyribonucleic acid tested to determine if it is a
9 conquistador horse. If it is a conquistador horse, the wild
10 horse shall be relocated to a state or private wild horse
11 preserve created and maintained for the purpose of protecting
12 conquistador horses. If it is not a conquistador horse, it
13 shall be returned to the public land, relocated to a public or
14 private wild horse preserve or put up for adoption by the
15 agency on whose land the wild horse was captured.

16 C. If the mammal division of the museum of
17 southwestern biology at the university of New Mexico determines
18 that a wild horse herd exceeds the number of horses that is
19 necessary for preserving the genetic stock of the herd and for
20 preserving and maintaining the range, it may cause control of
21 the wild horse population through the use of birth control and
22 may cause excess horses to be:

23 (1) humanely captured and relocated to other
24 public land or to a public or private wild horse preserve;

25 (2) adopted by a qualified person for private

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maintenance; or

(3) euthanized; provided that this option applies only to wild horses that are determined by a veterinarian to be crippled or otherwise unhealthy.

D. It is unlawful for a person in New Mexico to slaughter a wild horse. It is unlawful for a person in New Mexico to possess or sell a wild horse for slaughter. A person who violates the provisions of this subsection is guilty of a misdemeanor and shall be punished by imprisonment for a definite term of less than one year or the payment of a fine of not less than five thousand dollars (\$5,000) or more than ten thousand dollars (\$10,000), or both such imprisonment and fine.